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No. 33.

IN THE

SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1967.

UNITED MINE WORKERS OF AMERICA, DISTRICT 12,
Petitioner,

v.

ILLINOIS STATE BAR ASSOCIATION et al.,
Respondents.

On Writ of Certiorari to the Supreme Court of the State of Illinois.

OBJECTIONS TO MOTIONS

of

American Federation of Labor and Congress of Industrial Organizations,

NAACP Legal Defense and Educational Fund, Inc., and the National Office for the Rights of the Indigent,

and

National Lawyers Guild for Leave to File Briefs as Amicus Curiae

and

As to Motion for Leave to Participate in Oral Argument by NAACP Legal Defense and Educational Fund, Inc., and the National Office for the Rights of the Indigent.

The Illinois State Bar Association and the individual respondents, all members of the State Bar's Committee on the Unauthorized Practice of Law hereby respectfully

object to the motions of the American Federation of Labor and Congress of Industrial Organizations; NAACP Legal Defense and Educational Fund, Inc., and the National Office for the Rights of the Indigent; and the National Lawyers Guild; for leave to file briefs as amicus curiae in the instant case. Consent to file was refused by counsel for respondents as to each request. This action of refusal was not capriciously taken by respondents.

REASONS FOR OBJECTION TO MOTION.

1. The interest of the movants extends beyond the issues decided in the Illinois Opinion.

The AFL-CIO clearly demonstrates in its motion that it seeks leave to participate as a **party** to the action. Its discourse under the heading "Interest of the AFL-CIO" on pages iii and iv of its motion, points out that it considers itself in that category. To the same effect is the request of NAACP Legal Defense and Educational Fund, Inc., and the National Office for the Rights of the Indigent, and the National Lawyers Guild.

> "An amicus curiae is not a party to the action, but is merely a friend of the court whose **sole** function is to advise, or make suggestions to the court." **Clark v. Sandusky**, 205 F. 2d 915; **Klun v. Less**, 43 A. 2d 755.

As ably stated by Mr. Justice Shaw in his additional opinion in the case of **Froehler v. North American Life Insurance Co.**, 374 Ill. 17 at 27:

> "Any case decided by this court may vitally affect pending litigation or controversies between other parties, but this does not necessarily justify intervention. Intervention by counsel as a friend of the court is only justified when the intervenor can show that to

protect it in the consideration of the case, such aids seem necessary or advisable."

The AFL-CIO, NAACP, and National Lawyers Guild are endeavoring to thrust their influence as representatives of large Unions and other militant groups upon the deliberation of this Court on a local problem relating only to the United Mine Workers Union, District 12, and the claimed unauthorized practice of law by it in the State of Illinois, and fail in their motions to advise this Court that any of the One Hundred Twenty-Nine Union affiliates or other groups have similar legal arrangements which will be adversely affected by an affirmance of the Illinois decision.

The NAACP Legal Defense and Educational Fund, Inc., and the National Office for the Rights of the Indigent seek to assert its influence as a group who have championed successfully the rights of the indigent in order to enlarge those organizations sphere of influence to middle class problems. Apparently they wish to perpetuate their organizations to fit the day when their struggle has been successful and the Negro is not the indigent as the great majority of his class appears today. It is significant that they are not seeking to help this court reach a decision on the limited factual situation presented in this **mine-workers** appeal, but wishes to coerce this court to enter a sweeping decision to permit "**great experiments**" in the practice of law and to wipe out all rules of conduct, canons of ethics and statutory regulation of the practice of law (p. 33 of their brief). Illinois is not interested in experimenting on such a grand scale with the practice of law. It has moved cautiously in the development of new ideas and, when tried and proven to be beneficial to the public, it has moved forward with zeal. This movant has not demonstrated a right to appear and attempt to influence this Court as an amicus.

The National Lawyers Guild announces its desire to broaden the base of available legal service, and apparently feels that the magic words, "Group Legal Services" is the prescription to cure all fancied ills prevailing in the legal profession. Nowhere in their brief do they analyze, or in any way consider, the facts which gave rise to the action taken by the Illinois State Bar Association. Instead, they present to this Court, in the guise of an amicus brief, an argument long since made in California and rejected (Appendix A). Because they could not honestly review the limited and local factual situation of the **Illinois Mineworkers** case and apply to it the expansion of Group Legal Services for all, they acknowledge that they resorted to using rather extensively a brief filed with the Board of Governors of the State Bar of California. The matter of concern to California lawyers was a proposed Rule 20 regulating members of the Bar as to a lay agency or other intermediary which intervenes between himself and any client (Appendix B). A review of that brief reveals that the main concern of the signers was that proposed Rule 20 went far beyond Canon 35. To them, it appeared that the rule prohibited mere recommendation by a group or its members of an attorney who represents the group. We do not make any attempt to analyze California's Rule 20, but, it is refreshing to observe that the brief stated:

> "* * * the most important respect in which the proposed rule goes beyond Canon 35 is that it appears to proscribe mere *recommendation* (italic theirs) by a group or its members of an attorney who represents the group. This is so, apparently, even though the attorney's compensation is derived exclusively from the referred client and is dependent upon the making of voluntary arrangements directly between the attorney and the referred client. We believe, for reasons stated at a later point in this brief,

that this effect of the rule is in conflict with the understanding and preference of a vast majority of attorneys both in California and throughout the nation, and may well be unconstitutional. Here it is most relevant to observe that no support for this aspect of the proposed rule can be derived from Canon 35. Thus, Mr. Henry S. Drinker, who was Chairman of the ABA Committee on Legal Ethics when it adopted Canon 35, and was the author of the authoritative treatise, Legal Ethics, has stated:

> "The Canon does not preclude counsel for a corporation or association from representing its individual employees, patrons, stockholders or members, or groups of them, provided such employment has not been the result of improper solicitation, and provided such relation is personal and direct and the services paid for by the individual client . . ."

To the same effect, see: Unreported Opinion No. 316 ABA Comm. Prof. Ethics, summarized in **Drinker**, supra, p. 300; Note, 47 Ill. Bar J. 410, 416:

> "Mere referral by an organization of one of its members to an attorney solely because of the organization's belief in the attorneys competence has never been regarded as a breach of the Canons, so long as no financial (i. e. fee-splitting) arrangement exists between the attorney and the organization."

Note, 53 N. W. L. Rev. 276, 279, n. 14:

> "No cases can be found which hold that attorneys who accept employment with members of an organization, by virtue of the recommendation of such organization, are violating Canon 35." (Pages 7-8 of Brief in opposition to Proposed Rule 20.)

This California Brief also sets forth the Statement of Policy of the Committee which drafted and recommended passage of Rule 20.[1] It is significant to the Court's consideration of this appeal because it demonstrates the restrictive approach, which is not the Illinois position. It again speaks favorably for the Illinois Supreme Court decision.

Also we find the brief recognizing this fact when it proclaimed:

> "We submit that any rule which may operate to proscribe representation by an attorney of persons recommended or referred to him by a corporate or 'organization' client or its members goes beyond common sense. Certainly it conflicts with the practices of the vast majority of lawyers in California and throughout the United States. At the present time, recommendations by satisfied clients probably constitute the most important source of business of lawyers everywhere. This manner of obtaining business has repeatedly and correctly, been approved by the Court. How many lawyers, and what kinds, depend heavily on 'drop-in' business to sustain their practice?"[2]

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[1] 35 California State Bar J. 719-20:

"It is proper that a corporation, organization or group, may retain and employ legal counsel to serve it in any matter in which such organization, corporation or group as an entity is properly interested. Such lawyer shall not have referred to him by the group, either directly or indirectly, an individual member of such group or organization for the purpose of representing such individual member with respect to legal problems concerning his individual affairs. . . . Nor shall the employee who is injured in the course of his employment and files a claim before the Industrial Commission, be referred to the attorney for the Union or any member thereof, because such a claim is not a matter of collective interest to the organization as an entity".

[2] Brief in Opposition to Proposed Rule 20, pp. 20-21.

The language of that California brief is hardly support for an absolute group legal service plan.

The AFL-CIO stresses that the "question presented by the instant case is whether union members may further their undoubted constitutional right to associate for the purpose of preserving and enforcing their legal rights, by voting to set up a plan whereby funds in the union treasury may be used to pay an attorney to advise and represent such of their number as need his services" (page iii and iv of motion).

To properly respond to this erroneous statement of the issue in this case, we must look to the facts which gave rise to the initial suit for injunction. For a number of years United Mine Workers, District 12, has hired an Illinois attorney to handle Illinois Workmen's Compensation cases of its members on a salaried basis (R. 14-15). At the time of this litigation, one Stuart Traynor was hired in that capacity by the union (R. 14-15). He received for the period January through November, 1964, the sum of $11,366.68 in salary, and $1497.60 in expenses (R. 61). His annual salary was $12,400 plus expenses (R. 61). During a period from October, 1963, to December, 1964, 637 claims filed before the Commission were concluded by payments totalling $737,968.27 (R. 54). The representation of each Miner was extremely impersonal. He seldom saw his client until the day of the hearing (R. 44). Others fill out the application for adjustment of claim (R. 36) or the report to attorney on accidents (R. 38-41). This latter report contains no language of employment of Stuart Traynor as the injured man's attorney or authority to file a claim (R. 16-17). The claim is concluded either by agreed settlement procedures or by a hearing before an arbitrator on the Industrial Commission staff. The attorney never receives a fee from the injured worker and all settlement drafts from insurance companies went directly to the workers (R. 62).

One can observe from a reading of the facts stated above that we are dealing in this case with a matter of concern to the State of Illinois only. Stuart Traynor is an Illinois attorney practicing before an Illinois tribunal, The Industrial Commission, created by the Illinois Legislature. As an attorney he is subject to the rules and regulations of the Illinois Supreme Court as to the practice of law.[3] His activity was brought to the attention of this State Court by this action. The conduct and activity of United Mine Workers of America, District 12, in the State of Illinois, was also reviewed and, relying upon previous decisions of its court and the Canons of Ethics, the Illinois Supreme Court held that the Union's activity and its violation of **state protected rights** (not Federally protected rights, i. e., FELA) was properly enjoined, and the Court's action did not deprive the Mine Workers of any rights to which they are constitutionally entitled (R. 94-105). This is not a matter of universal concern to the AFL-CIO or any of its affiliates because of its local intrastate character.

Finally, the AFL-CIO profess a profound interest in seeing that working men have access to effective counsel. From the record we observe that M. H. Hannegan from January, 1961, until his death, averaged $1,400 per case recovery, whereas the last attorney, Stuart Traynor, averaged only $1,150 per case (R. 54, 60). The Union's factual answers to interrogatories answers this argument with mathematical certainty. We find a loss of $250 per case average. Is this the effective counsel arrangement the AFL-CIO believes is so sacred? The impersonal nature of this representation eloquently demonstrates the need for the action taken by the Bar Association and the decision reached by the Illinois Supreme Court. One cannot claim that the filing of 416 claims in one year and the processing to conclusion of 487 claims in that same period by a person on a salary of $12,400 is going to assure the working

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[3] Ill. Rev. Stat. 1963, Ch. 110, Section 101.58-101.59-1.

man that (1) he is receiving effective representation; (2) he is receiving maximum on his claim, or (3) he will not be subverted to other interests during the processing of his matter. The presence of the individual attorney-client relationship is lacking and the public, in this instance—the mineworker, is being made a mere pawn in the greater scheme of things within the labor movement.

2. The AFL-CIO-NAACP Legal Defense and Educational Fund, Inc.; the National Office for the Rights of the Indigent, and the National Lawyers Guild plea for all-out Group Legal Service has no standing in this litigation.

The Illinois State Bar Association questions the sincerity of the respective movants for leave to file Amicus Curiae briefs because of their identity. Each association or group seeking to come into this case has a selfish interest far beyond the basic problem of this Court in its consideration of the facts of this case, which is the protection of the mineworker, and the regulation of the practice of law as it applies to the factual matters which gave rise to the Illinois Supreme Court decision, holding such conduct by **that** Union as the unauthorized practice of law. The hue and cry for This Court's imprimatur in favor of unrestricted and all-encompassing group legal service makes one suspect the motives of the proponents. An examination of the briefs filed readily justifies the considered action of the Respondent in not consenting to their appearance. They desire to ignore, or glibly pass over, the limited factual situation of this Illinois case, and endeavor to convince this court to use their proposals as justification for approval of all variations of so-called group legal services.

To reach such a conclusion This Court must not only sweep aside the facts of the case and the obvious evil Illinois was preventing in the application of the mineworkers salaried lawyer arrangement, but also must ignore the Illi-

nois Courts handling of these problems. In our brief on the merits we have referred to the judicial history in Illinois as to unauthorized practice of law as it applied to associations. At the time of consideration of such cases, the Illinois Supreme Court was confronted with corporations and associations, who were, incidental to their main purpose of existence, supplying members with legal services as if it were a commodity which could be advertised, bought, sold, and delivered.[4] If the Mine-worker's case had been presented to the Court during that period (1930-1935), it unquestionably would have been rejected. The mere fact that a considerable period of time intervenes before the Illinois Court took any action against the Petitioner is no reason why it now should be given any specific exemption. It has not become an "incident to the union's business."[5] Illinois has always been

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[4] People ex rel. Courtney v. Association of Real Estate Taxpayers of Illinois, 354 Ill. 102, 108-110.

[5] **The Chicago Bar Association v. Quinlan & Tyson, Inc.**, 34 Ill. 2d 112, 214 N. E. 2d 771, 774:

> "Their preparation is not incidental to the performance of brokerage services but falls outside the scope of the broker's function. **Commonwealth v. Jones & Robins**, 186 Va. 30, 41 S. E. 2d 720; **Washington State Bar Association v. Washington Association of Realtors**, 41 Wash. 2d 697, 251 P. 2d 619."

The Appellate Court opinion, 53 Ill. App. 2d 388, 395, 203 N. E. 2d 131, 135, answer any argument which relies on the existence of the plan for a number of years as being protected as an incident of the businesses of the Union:

> "The defendant and these amici curiae have strongly contended that the preparation of these documents has long been done in the usual course of the broker's business and that it has been considered reasonably incident and practically necessary to the conduct of the real estate business. We cannot adopt this 'incident to business' rule as a basis for decision here. Not only do we find no Illinois cases among the exhaustive list cited here that adopts this rule, but also we think this rule is an evasion of the hard core principle of the public interest which must be the basis for deciding whether or not the defendants actions constituted the practice of law."

in the forefront in protecting the public through the proper regulation of the legal profession, and incidental thereof, the striking down of areas of unauthorized practice. Consideration of unions and their attempts to furnish legal counsel, through various devices or plans, is not new to this Court. This is especially true of the much maligned legal aid plan of the Brotherhood of Railroad Trainmen. One of the Appellate Courts of this State, in 1932, had before it a suit by Joseph Ryan, a regional counsel of the Brotherhood seeking to enforce his statutory lien for fees against the Pennsylvania Railroad pursuant to a contract of employment by which he was retained to prosecute a claim under the FELA for personal injuries.[6] The record disclosed that the railroad, after receiving this lien notice, secretly settled with the employee. The railroad in defense, claimed that Ryan's contract was invalid and unenforceable as contrary to public policy because: (1) it was solicited by the Brotherhood pursuant to its legal aid program to which Ryan as counsel was a party; and (2) it contemplated fee-splitting with the Brotherhood, because of a portion of the fee had to be paid to the Brotherhood as costs for investigation. This decision discussed the facts which gave rise to the need for a legal aid department, its establishment and the manner of its operation. The railroad attacked the relationship between Ryan and the Brotherhood and the way the injured employee came to be represented as unethical. It challenged the lack of a written contract, loans made to the employee, payment of half salary to a Brotherhood inspector, and the fee-splitting with the Brotherhood as contrary to the public policy of the State. The Court, however, said:

"Intemperate and unwarranted argument cannot obscure a record which clearly shows that the purpose

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[6] **Ryan v. Pennsylvania RR**, 268 Ill. App. 364.

of the Brotherhood is a worthy one, planned to prevent possible frauds upon its injured members and to aid them in the assertion of their legal rights, and that as a result of that purpose or plan, Meadows, in the instant case, obtained the legal services of a very able and experienced lawyer and at a stipulated fee far below that usually fixed in similar cases. The settlement for $11,000, almost double the amount offered Meadows prior to the commencement of the action, tends strongly to prove the worth of the plan to the members of the Brotherhood."

Although the subject matter of this suit was not unauthorized practice, it clearly showed the thinking of one Illinois Court toward the legal aid program.

This case did not stop the railroads in their continued harassment of both their employees and regional counsels. They went from state to state trying to develop evidence sufficient to break up the arrangement. They filed suits, whenever they could, seeking to disbar regional counsel. **Bodle, Group Legal Services: The Case for BRT,** 12 UCLA L. Rev. 310-325. This law review article gives an extensive history of the conduct of the railroads and the Association of American Railroads continued oppression of the injured and the regional counsel. It quoted extensively from remarks of the director of its claims research bureau. His intemporate remarks and the actions he directed gave the Brotherhood ample cause to try a unique proceeding in the Illinois Supreme Court. A motion was made on behalf of the Brotherhood for leave to file an original petition for a declaratory judgment.[7] The motion and petition described certain conduct of the Brotherhood and the lawyers who serve as regional counsel for its legal aid department and requested a ruling

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[7] **In re Brotherhood of Railroad Trainmen,** 13 Ill. 2d 391.

that the conduct described was neither illegal nor unprofessional. Upon considering the petition, the court determined that it both formulates and enforces the standards governing the practice of law,[8] and before any ruling should be made, an investigation into the practices in question should be conducted. The Brotherhood's motion was denied, but the court appointed a former Justice of its Court as Special Commissioner with power to inquire into and take proof of all relevant factual matters and to report the testimony, together with the applicable principles of law, to the Chief Justice. Hearings were then conducted. The Brotherhood, a group of twenty-seven railroad companies, the Illinois State and Chicago Bar Associations participated, by counsel, in these hearings. At the conclusion, briefs were filed by all participants, as well as by the American Bar Association. The Special Commissioner submitted his report and the matter was considered by the Supreme Court. Its decision, returned in 1958,[9] reviewed the record and the legal aid program of the Brotherhood. While recognizing a policy argument of the Brotherhood as persuasive, the court could not accept the program as it was then operating.

The Court complimented the Brotherhood by laying its troubles on the Court's doorstep, seeking advice. The decision then proceeded to give its views:

> 1) The objective of the Brotherhood in seeking to secure competent legal representation of its members can be accomplished without lowering the standards of the legal profession.
>
> 2) It may properly maintain and finance a staff to investigate injuries to its members, and may make reports available to the injured.

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[8] **In re Application of Day**, 18 Ill. 73.

[9] See Note 7, supra, Illinois Brotherhood case.

3) It may make known to its members:

(a) The advisability of obtaining legal advice before making a settlement;

(b) The names of attorneys who, in the Brotherhood's opinion, have the capacity to handle such claims successfully.

4) Brotherhood employees may not solicit by carrying contracts for the employment of a particular lawyer, or photostats of settlement checks.

5) No financial connection of any kind between the Brotherhood and the lawyer is permissible.

6) The lawyer cannot pay any amount to Brotherhood or its officers of members as compensation, reimbursement of expenses or gratuity in connection with procurement of a case.

7) The Brotherhood cannot fix the fee to be charged, and

8) Finally, the relationship of the attorney to his client must remain an individual and a personal one.

The court proclaimed that if the above course is adopted it will be possible for the Brotherhood to achieve its legitimate objectives without tearing down the standards of the legal profession. It gave the Brotherhood until July 1, 1959 to reorganize the legal aid department along the lines of the opinion.

The Brotherhood accomplished the changes by April 1, 1959, abolishing its legal aid department and establishing a Department of Legal Counsel. All financial connections between the Brotherhood and its regional counsel ended. No longer did the Brotherhood conduct investigations or advise local lodge officers or regional counsel of injuries which came to its attention.[10]

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[10] Bodle, **Group Legal Services; The Case for BRT**, 12 UCLA L. Rev. 310-325.

This, then, was the posture of unauthorized practice as considered by the Illinois Supreme Court as it existed under a plan such as the Brotherhood's. It is significant to note that the Brotherhood was under attack by its legal adversary, the railroads and their associations. The Claims Research Bureau of the Association of American Railroads not only fomented their attack on regional counsel, but also, on any lawyer who secured a volume of injury claims against their members. **In re Heirich**, 10 Ill. 2d 357, another Illinois case, commented:

> "We are compelled to the conclusion that this proceeding was more than an impartial investigation of unethical practices by a bar association with the sole desire to protect the public and the profession. The record indicates that it was an adversary proceeding between the railroads and one of their antagonists. The time and energy of the railroad devoted to this proceeding might well have been spent in perfecting a code of ethics for railroad claim adjusters and in requiring its observance, for the improper activities of claim adjusters develop the climate in which solicitation of the type complained of in this proceeding may thrive."
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> "Any investigation that is designed to improve the standing of the legal profession should be encouraged, but such an investigation ought to be by disinterested commissioners of this court and should proceed without financial, or other, support from any interested party."

It is not too difficult to change the organizations the Court is referring to above from the adversary American Association of Railroads to the AFL-CIO, NAACP Legal Defense and Educational Fund, and the National Lawyers Guild to show their interest in developing a gimmick which will insure for each organization an area in which they are the guardians of the legal rights of their mem-

bers and the balance of the legal profession are also-rans. Is their approach so altruistic and unrefutable that they can attack the Illinois State Bar Association and the Illinois Supreme Court as being totally ignorant of what is happening in its State and what is needed there for the protection of the public and the legal profession? The arguments they advance demonstrate a selfish interest in order to convince this Court that Group Legal Services, without more, is the solution to the mythical problem of unavailability of legal service for all.

Illinois is more perceptive than these adversaries in viewing the local problem confronting it. Its concern is far more likely to have its effect upon the protection of the public and the legal profession than the open-door approach of the unions and militant organizations who seek to file briefs herein.

In deciding the **Illinois Mineworker's** case, the Supreme Court had before it an association who would not listen to the advice and plea of the Committee on Unauthorized Practice to drop their salaried lawyer arrangement and substitute a department of legal counsel, similar to the Brotherhood; or, to make known to the injured member (1) the advisability of obtaining legal advice before making a settlement, and (2) the names of attorneys who, in the opinion of the United Mine Workers, District 12, are highly competent in the compensation field and have the capacity to handle their claims successfully.[11] Instead they chose to continue their salaried lawyer arrangement, which left no recourse to the Committee, and the State Bar, but to seek to enjoin the practice.

As we have stated in our brief on the merits, the Committee and the State Bar were aware of the decisions in **Button** and **Virginia Brotherhood**, and found nothing in those opinions which gave the stamp of approval to the

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[11] See Note 7, supra, Illinois Brotherhood case.

Mineworkers salaried lawyer arrangement. On the contrary, each case, properly considering only the facts before that court, indicated there was "no compelling State interest" involved which would have precluded them from applying First Amendment guarantees.

In discussing the problem with which they were confronted in **Button**, the court said:

> "In the context of NAACP objectives, *litigation is not a technique of resolving private differences;* (italics supplied) it is a means of achieving the lawful objectives of equality of treatment by all government, federal, state and local, for the members of the Negro community in this country. *It is thus a form of political expression,* (italics supplied.) Groups which find themselves unable to achieve their objectives through the ballot frequently turn to the Courts. Just as it was true of the opponents of New Deal legislation during the 1930's, for example, no less is it true of the Negro minority today. And under the conditions of modern government, litigation may well be the sole practical avenue open to a minority to petition for redress of grievances." (371 U. S. 429.)
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> "We need not, in order to find constitutional protection for the kind of cooperative, organizational activity disclosed by this record, whereby Negroes seek through lawful means to achieve legitimate political ends, subsume such activity under a narrow, literal conception of freedom of speech; petition or assembly." (371 U. S. 430.)
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> "The decisions of this Court have consistently held that only a compelling state interest in the regulation of a subject within the State's constitutional power to regulate can justify limiting First Amendment freedoms." (371 U. S. 438.)

The State statute which **Button** struck down cannot be equated with the United Mine Workers salaried attorney plan, the extent of and the manner in which his services were rendered. This, rightfully was the concern of the Illinois court, and it rendered the only justifiable decision in the public interest.

The **Virginia Brotherhood** case, involved Virginia's attempt to strike down the Brotherhood arrangement, undoubtedly aided and encouraged by the Association of American Railroads.[12] The Virginia Court and its state bar association refused to accept Illinois' decision limiting the plan adopted by the Brotherhood, to recommendation of competent attorneys, and, chose instead, to attack the Regional Counsel plan as solicitation of legal business and the unauthorized practice of law in Virginia. The part of the injunction granted by Virginia which Brotherhood objected to and sought relief in the U. S. Supreme Court enjoined it:

> "* * * from holding out lawyers selected by it as the only approved lawyers to aid the members of their families; * * * or in any other manner soliciting or encouraging such legal employment of the selected lawyers; * * * and from doing any act or combination of acts, and from formulating and putting into practice any plan, pattern or design, the result of which is to channel legal employment to any particular lawyer or group of lawyers." (377 U. S. 4.)

After the Brotherhood acknowledged that this particular practice was part of their services, the Supreme Court held that railroad workers, as part of the First Amendment guarantees of free speech, petition and assembly, have the right to gather together for the lawful purpose of helping and advising one another in asserting the rights

[12] See Note 10, supra.

Congress gave them in the Safety Appliance Act and the Federal Employer's Liability Act. They have the right to consult and talk together, and to select a "**spokesman from their number** who could be expected to give the wisest counsel. **This is the role played by its members who carry out the legal aid program**".[13] (Emphasis supplied.) Considering the State's right to regulate the practice of law within its border, after quoting from the **Button** case on this subject, the Court said:

> "In the present case the State again has failed to show any appreciable public interest in preventing the Brotherhood from carrying out its plan to recommend the lawyers it selects to represent injured workers."[14]

The decision in **Virginia Brotherhood**, putting aside the constitutional argument in support of its decision, results in nothing other than an approval of the limitations placed on the Brotherhood by the Illinois Supreme Court in **In re Brotherhood of Railroad Trainmen.**[15]

In the **Mineworker's** decision, Illinois was applying its ruling in **In re Brotherhood** to the facts of that case, and considered both **Button** and **Virginia Brotherhood**, finding them not restrictive of its ultimate decision.

3. The pleas for Group Legal Service do not find support in true and effective surveys of the public.

Throughout the years, the Courts and the Bar Association have expressed their objection to the absolute form of Group Legal Service because of three undesirable con-

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[13] **Brotherhood of Railroad Trainmen v. Virginia**, 377 U. S. 1, 4.

[14] See Note 13, above.

[15] 13 Ill. 2d 391.

sequences. They are: (1) possible harm to the client from the attorney serving the conflicting interest of the client and the organization; (2) destruction of the direct attorney-client relationship through the presence of the association or organization, and (3) commercialization of the profession.[16] The importance of the intimate attorney-client relationship should not have to be spelled out, but our adversaries are so impressed with other facets of their cause that they overlook one of the major stumbling blocks to the absolute plan they champion. This intimate relationship is important for two reasons. It enables an attorney to serve his client more efficiently because the personal contact increases the lawyer's awareness of his client's individual legal requirements, and, this close association increases the laymen's trust in and respect for the legal process.[17] It is conceded that there are many legal transactions that do not need close personal contact, but when the lawyer is dealing with the man's personal injury, the cavalier approach of the mineworker's union and the lawyer to the individual is not only much to be desired, but leads to inadequate representation. If the decision had been in favor of the Mineworker's Union, the Illinois court would have been subject to the deserved criticism from both the bench and bar, and the public, as well.

The approval of absolute group legal services would open the door to commercialism of the legal profession in the ultimate. The bar and public would not only be

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[16] 72 Harvard L. Rev. 1334, 1337 (1959).

[17] 72 Harvard L. Rev. 1334, 1339-40.

Missouri Bar-Prentiss Hall Survey (1963), p. 75:

> "Substantially all of the suggestions indicated the lawyer had not taken enough time with his client to discuss with the client fully . . . the problems, and the plans for their solution and the progress of the matter."

confronted with such services rendered by unions, and militant groups, altruistic though they may be, but also by many organizations and associations whose members could well afford their own lawyer for the protection of their interest. Would this court want to open the door to the American Manufacturers Association, Airline Pilots Association, Truckers Association, Aircraft Owners and Pilots Association (AOPA), national, state and local chambers of commerce, and national, state and local associations of real estate boards? These are but a few of the many organizations whose existence is justified by the overall good they can render to the industry or profession of their members. Are the courts going to allow the law firm who is handling the organizations' legal problems to take on, as a part of membership dues, their individual legal matters?

A ruling of this court reversing the Illinois decision can only reach the above result in practice. What happens to the legal profession then? What happens to the public? Are the complicated matters of the corporate, associational members bound to receive the highest type of legal service? Is there any assurance that the attorney or firm selected by the association is competent? What of the obvious dangers in that posture of conflict of interest? The lawyer may be required to represent two separate organizations, who belong to the same group, but whose interests are adverse. Does he have to disclose such conflict? What control has the bar and the courts over that attorney? The answers are obvious. The result is chaos for the public and the profession. The attached plugger or pamphlet (Appendix C) is an example of the type of advertising which some lawyers will engage in to acquaint the member of the organization with their services. Nothing could be more unethical. What happens to the lawyer who has no union or association as clients? It cannot be foreseen that the salutary prohi-

bition of the Canons of Ethics on advertising is to be cast aside. Yet, where else does the profession go, if the above is countenanced and became standard procedure with that group lawyer? Is the law profession to be commercialized? Is the practice to be reduced to hawking our individual wares in the market place? Must each lawyer or law firm hire a public relations expert to extol his competency? Must a lawyer stoop to that level in order to make a living? We readily admit that there are some among us whose prowess is extolled in the newspaper, and on radio and TV, and probably reap a harvest of business as a result, but that is not the conduct of the more responsible members of the Bar, and it is hoped that the profession does not lower itself to permit such conduct by all. Such a result is upon the horizon if group legal services, as advocated by the proponents, is permitted.

Many of the proponents of group legal service advocate advertising in various ways. They must admit that information of the availability of the salaried union or group attorney to the members is the most intimate form of advertising (Appendix C). To what extent would they permit the lawyer not representing such groups to announce to the public his competence. They say, perhaps, he ought to be allowed to list his specialty, to have Boards qualify him. Is the profession to establish boards to test the competence of the union or association attorney? "Of course not," will be their answer. "We already do this work and be brook no interference. You find your own niche and leave us alone." Will they be left alone? One can foresee the infighting that will develop over such representation. We fully recognize that modern times needs a reappraisal of Canon of Ethics, which is going on right now within the American Bar Association. However, the day has not arrived or, it is hoped it never will come to pass, that all Canons of

Ethics and all ethical conduct are subordinated to the interest of a few who claim constitutional safeguards not needed by the many, and questionably available to the few. What would happen to the state courts power to discipline attorneys and enjoin organizations involved in unauthorized practice? Will there be an area of unauthorized practice left? The formation of organizations in the past to do legal services as an incident of their main purpose is not justification for a sweeping revision of the practice of law.[18] The Bar Associations, their committees on unauthorized practice and their Ethics Committees have worked with this problem for the protection of the public. The American Bar Association has worked diligently to prevent abuses by setting up conference committees with the offenders. The lines of demarcation between the practice of law and the operation of businesses are carefully drawn and controlled within proper areas. The Chicago Bar Association and Illinois State Bar Association have been particularly effective in this regard.[19] For a number of years, the firm of Quinlan & Tyson, Inc., in Chicago, has been conducting a real estate business and, as an incident thereto, has permitted their employees to prepare various legal documents including deeds, mortgages, examination of title papers and giving advice concerning the status and validity of title. Around 1960, the Chicago Bar Association, and its Committee on Unauthorized Practice sought to enjoin that firm from this legal activity. Local and state real estate boards, and the Illinois State Bar Association were permitted to come in as Amicus Curiae. The matter was referred to

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[18] See Note 5, Quinlan & Tyson case quotes, **Rhode Island Bar Ass'n v. Automobile Service Assn.**, 55 R. I. 122, 179 Atl. 139; **Arizona State Bar v. Arizona Land Title & Trust Co.**, 90 Ariz. 76, 366 P. 2d 1.

[19] **The Chicago Bar Association v. Quinlan & Tyson, Inc.**, 34 Ill. 2d 112, 214 N. E. 2d 771, 53 Ill. App. 2d 388, 203 N. E. 2d 431.

a master and voluminous testimony taken. The master found that the completion of the forms was a service which sets forth legal rights and liabilities of parties, required legal skill, knowledge and was not incidental to the real estate business and, therefore, was the unauthorized practice of law. The Chancellor affirmed these findings, except that the real estate broker may prepare offers to purchase or sell and secure signatures thereon. The Appellate Court, however, held to the strict interpretation of Unauthorized Practice, and prohibited the preparation and execution of the buy and sell agreement. Quinlan and Tyson, Inc. appealed to the Supreme Court, and that court, again showing its liberal, but protective thinking on the subject of unauthorized practice, held that the Appellate Court's opinion was too broad and permitted the broker to draft the buy and sell agreement.[20]

This decision, naturally caused much concern with the real estate people, and, at first, created much ill will. However, in order to fulfill the obligation to the public, a combined committee of the Illinois State Bar Association and the Chicago Bar Association was formed to meet with a similar committee from state and local real estate boards. As a result of meetings of this joint committee a Real Estate Broker-Lawyer Accord was prepared and adopted by both factions.[21] At the present time this accord is being enforced voluntarily by a smaller joint committee which hears and decides complaints. The successful manner in which this very touchy and difficult problem was handled from its inception is a credit to the Bar and Judiciary of Illinois. It demonstrates rather clearly that Illinois can see both sides of the coin and works diligently to reach accords or decisions which will reflect modern views.

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[20] See Note 19, supra.

[21] Illinois Bar Journal, Vol. 55, pp. 284-291 (1966).

The proponents say that legal services are not available to the middle class because there is no way for them to know that they need legal services or who they should hire. They believe the cure for all these ills is the group legal service concept. After all, their members will know by the notices, pluggers and pamphlets sent them where to go. This is no argument in support of their plan. Anyway, the picture is not as black as they paint it.[22] Many Bar Associations, including the Illinois State Bar Association, have extensive and expensive public relations programs to bring the need and the availability of legal service to the attention of the public.[23] In Illinois, daily spots are used by radio and TV stations explaining many legal problems. It is the exception, and not the rule, in Illinois that an individual cannot obtain legal services or does not know it is available. Also, the proponents claim that the cost of legal services is beyond the reach of many. They cannot be serious unless they ignore the many times each has been consulted about a legal problem and, regardless of the time expended, has charged no fee, or one commensurate with the ability of the client to pay. We need not delve on contingent fees, a most satisfactory means of receiving competent legal service.

The writers on the subject of group legal services consider (1) the need of legal services for the poor, (2) the existence of unauthorized practice by many; (3) the alleged **Button** and **Brotherhood** cases support (4) casualty

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[22] Missouri Bar-Prentiss Hall Survey (1963).

[23] Illinois Bar Journal, Vol. 54, p. 990 (1966); Illinois Bar Journal, Vol. 56, p. 78 (1967).

The later report on public relations relates that a survey of the radio and TV spot announcements of programs prepared by Illinois State Bar Association Committee on Public Relations would, according to advertising rate books, require an expenditure of $576,320.00, yet, it is put on radio and TV without expense to the bar as a public service.

insurance companies method of hiring legal counsel and (5) because it has been demonstrated that the poor need legal services, it follows that all classes except the upper middle class and the wealthy must also need these services brought to them through a group.

What about these charges of need? No one doubts that the poor have needed legal services and that it should be made available to them. The Federal Government through O. E. O. programs is rapidly remedying this need. Illinois has fully recognized this in its opinion when it stated:

> "It is manifest, we believe, that these factors all serve to dilute the allegiance of the lawyer to the client, weaken the integrity of their relationship, and serve the best interests of neither the public nor the parties. *We, of course, do not deal here with the totally different case of a salaried lawyer for indigent clients*" (italics supplied) (R. 102).
>
> * * * * * * * *
>
> "Nor do we think that his right so to do is impaired in a constitutionally objectionable sense unless it can be said that reduction in the net dollar amounts remaining to him from the injury award after payment by the member of his attorneys fees is a constitutionally impermissible impairment. *Such it might be were we dealing with indigent claimants* (italics supplied), but we are not, and the net effect upon the union member differs not at all from that upon other injured citizens" (R. 105).

We have elsewhere discussed the impact of unauthorized practitioners on the public and the work of the bar and, in particular, Illinois with such problems. This is being effectively handled and is not a good ground for the cry of need made here. It must be remembered that the organized bar does not go out of its way seeking to find those en-

gaged in unauthorized practice, but maintains a committee to consider any charge, if made to it. Perhaps that is why some areas of unauthorized practice still exist. If the proponents are so disturbed that the bar and the courts are not protecting the public and the profession, should they not bring the specific charges of unauthorized practice to the attention of the proper committee, rather than state that because there exists some elements thereof, a fortiori the bar is not fulfilling the needs of the public?

Our position on the effect of the **Button** and **Virginia Brotherhood** case is well known, by now, to This Court. There is no sanction in those opinions to an absolute group legal service plan.

We have also endeavored to answer the casualty insurance argument. When one pays a premium to a company for it to defend any suit and pay any judgment rendered against him, the relationship is anything but group legal service. The insurance company has a substantial pecuniary interest in obtaining the best legal representation available and, obviously, has the right to choose its counsel. The insured's interest only comes into play when the amount of the coverage is not as large as the demand made, and, if the excess demand reflects the actual injury received. Then, and only then, the insured has a personal interest. Often this interest is more illusionary than real.

Finally, we are confronted with statements of need to certain elements of the populace without any statistics or reputable surveys to support the arguments.

The Missouri Bar-Prentiss Hall Survey, entitled "A Motivational Study of Public Attitudes and Law Office Management" (1963), is a real attempt to arrive at answers to many problems of the legal profession. Among the facets of the practice that was studied was the availability and adequacy of legal services. In this connection, the announced objective (p. 43 of Survey) was "to determine the public opinion concerning the availability of legal

services with regard to the number of lawyers in the community and to determine the profession's impression as to the adequacy of legal services, and how more or fewer lawyers would affect it." Of the persons interviewed who use attorneys, 19 per cent believed there were too many attorneys; 64 per cent, about the right number; and 19 per cent, too few. **However, none of them felt it was difficult to retain an attorney.** The Survey conclusion on this point (p. 46) was:

> "A substantial majority of lawyers as well as laymen users and non-users feel that the public is securing adequate legal services (as to number of lawyers and quality of service) and that in most communities the supply of lawyers is about right. If there is any need for change in the number of attorneys, it is for more rather than less."
>
> "Greater public education is necessary to inform the layman concerning the need for and method of obtaining competent legal advice . . . There is a need for extension of legal aid and lawyers referral services in some sections of the state."

The conclusions reached in this Survey, which was competently organized and accomplished, tend to negate the claim of the proponents and should have a profound effect to warn against any change in the practice and the canons of ethics.

In meeting the proponents' argument on group legal services, it is necessary to comment on the State Bar of California Progress Report of the Committee on Group Legal Service, dated July 30, 1964.[24] It is referred to quite often in both the AFL-CIO and NAACP briefs filed with their Motion for Leave to Appear as Amicus Curiae. The Report as submitted to the Board of Governors of the State Bar of California is rather voluminous. However, much of it is a recitation of the activities of its two prede-

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[24] 39 Cal. State B. J. 639 (1964).

cessor committees. It considers much of the writings referred to by the AFL-CIO and NAACP, and discusses some California experience with variations of group legal services. Although the majority of the committee recommended that some form of group legal services be adopted, they carefully put restrictions which, if followed, would nullify the result desired.[25] This is particularly true in the Mineworkers situation, as most of the restrictions relate to the element Illinois found bad with the plan.

In conclusion the Report stated:

> "We should add that we have also determined that there is a substantial need to find better ways for clients to obtain lawyers who have experience in the fields of law which are involved in their particular problems..."
>
> "We have started with the assumption that our primary concern is that the public be provided legal services where they are needed. We are convinced

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[25] Page 56 of Report:

1. Any group which undertakes to provide legal services for its members shall have bona fide purposes other than the provision of legal services; it shall not be organized solely or primarily for this purpose;

2. There shall be no group control over the attorney selected by the group in areas usually reserved for the attorney or the client;

3. There must be no kick-backs, direct or indirect, between any attorney and an organization which conducts a group type legal service plan;

4. There must be scrupulous observance of all rules prohibiting representation of conflicting interest;

5. In any arrangement whereby an attorney is recommended or selected by a group to represent its members, the following restrictions on advertising shall control:

a) Availability of legal services, but not the name of the attorneys, may be used in a dignified manner in soliciting membership in the group;

b) The name, address and qualifications of each recommended attorney may be announced in a dignified manner to members of the group only.

there is such a need and that group legal services provide a vehicle which, subject to the restrictions we have urged, can properly fill this need. This Committee strongly urges that a continuing effort be made to finance the survey of public needs (described in Appendix A) and the experimental program involving Lawyers Reference Services (described on pages 43 to 46)"

In Appendix A, the Committee states:

"In addition to the information which has been previously summarized, the Committee desires further light upon the problem by obtaining a broad scale survey of the needs of the public for legal services. Such a survey would disclose more precisely the extent and nature of the existing public need for legal services . . ."

The minority reports of Arthur H. Connolly, Jr. and Frank Simpson III highlights some of the additional deficiencies in the Committee's recommendation.[26] Mr.

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[26] Excerpts from minority report of Arthur H. Connolly, Jr.:

"While in my own opinion the Committee majority falls into error in confessing a certain public demand for group type legal services with a proven public need for such services justifying major revisions in our professional standards, the more far reaching and basically unfair result of the recommendations concerns the flat and open discrimination against the great majority of lawyers who might be unable, or perhaps disinclined, to make the required "arrangement" with a lay group. The "non-group" lawyer would be required to adhere to the present strict rules of professional conduct, while their more fortunate brethren at the Bar would reap the obvious benefits of advertising, active solicitation, and channeling. In my view, a double-standard in the area of professional ethics is a concept which would be of great disservice to both the Bar and the public . . ."

Excerpts from Minority Report of Frank Simpson III:

"Consequently, when the majority of the Committee recommends changes in the Rules of Professional Conduct in order to accommodate group legal services, it is not talking about all group legal services, but only about those

Simpson relates the attempt to secure funds from the Ford Foundation to finance a survey to determine the extent of the public need for group legal services. He, rightfully, reasons from that refusal that it is significant evidence that the problem, if one really exists, is far from pressing.[27]

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that would run afoul of the Rules as they now stand. This being so, the question is not whether the functional utility of group legal services in general is sufficiently compelling to require changes in the Rules but rather whether the functional utility of those types of group legal services possessing the forbidden attributes is sufficiently compelling to require changes in the Rules.

* * * * * * * *

"There is still another reason why, in the opinion of the undersigned any proposal to change the Rules to permit presently unpermitted group legal services should receive a long, hard look. And that is the existence of evidence that certain groups, primarily unions, are not entirely altruistic in their support of group legal services, but instead see them as tools of self-aggrandizement rather than enhancers of the public weal. If this is true, it blunts the major (or "public interest") argument in favor of group legal services; that it probably is true was not only recognized by the California Supreme Court in **Hildebrand v. State Bar,** 36 Cal. 2d at 510 (1950):

> ". . . such services (i. e., the BRT's legal service to members) would reasonably constitute an inducing cause for attracting membership in the Brotherhood and the payment of dues thereto."

but also was clearly spelled out in the October 9, 1959 staff memorandum to the California Director of the Agricultural Workers Organizing Committee (AFL-CIO) dealing with how "to organize a target quota of 150,000 agricultural workers in California":

> "V. **The Educating and Servicing of Community Groups.**
>
> a. This is a continuous, volunteer organizer and rank and file operation.
>
> b. It aims at minority groups and community penetration by making the union indispensable in their lives through:
>
> 1. Aids in securing welfare, medical and **legal aid, housing, etc.** (Emphasis added).

[27] 39 California State Bar J. 639; Missouri Bar-Prentiss Hall Survey (1963).

Upon presentation of this Committee Report and a progress report submitted in 1966, the Board of Governors of the State Bar of California, at its meeting in May, 1967, considered said report, rejected the recommendation as to group legal services therein contained, and discontinued the Committee from further work on the subject (Appendix A).

Probably the more glaring deficiency in the plea of the proponents on the need for group legal services is that they have not gone into the subject in depth, they have not considered or suggested what canons of ethics are to be changed or how they are to be changed or eliminated, or recommended any restrictions or guideposts to accomplish the result desired. Could it be that they fear to enter into the subject in depth, because it will enlighten the Court as to the deficiencies of an absolute group legal service plan? They are seeking to rewrite the Canons of Ethics. This is a job for the whole spectrum of the legal profession, both bench and bar.

A consideration of an absolute group legal service plan, as proposed, is neither warranted from the facts of the instant case, nor is it a matter of urgency requiring the Supreme Court to adopt the principle as a part of its opinion to be rendered in this cause.

CONCLUSION.

The motions of the American Federation of Labor and Congress of Industrial Organizations, the NAACP Legal Defense and Educational Funds, Inc., and the National Office for the Rights of the Indigent and the National Lawyers Guild for leave to file briefs as Amicus Curiae should be denied. It is further urged that the additional motion of the NAACP Legal Defense and Educational Fund, Inc. and the National Office for the Rights of the

Indigent for permission to participate in oral argument, also be denied.

Respectfully submitted,

BERNARD H. BERTRAND,
234 Collinsville Avenue,
East St. Louis, Illinois,
Attorney for Illinois State Bar Association, and Members of Its Committee on Unauthorized Practice of Law.

APPENDIX.

APPENDIX A.

Board of Governors Meeting at Los Angeles, California on May 17, 18, 19, 1967.

Upon motion made, seconded and adopted, it was

Resolved, upon further consideration of the 1964 published report (39 State Bar Journal 639), and the 1966 Progress Report of the Committee on Group Legal Services, that the Board takes the following actions:

(1) Reaffirms its concurrence in the conclusions of said Committee that (a) the legal profession must discharge its responsibility to provide all citizens with legal services and (b) it is an obligation of the organized bar to ascertain whether the public needs for legal services are being fulfilled and to devise or approve methods by which such needs may be met.

(2) States again its recognition of the necessity that The State Bar of California, its members, and all local bar associations in California actively develop more efficient legal aid and lawyer reference services, including panels of qualified specialists; that they take cognizance of and assist in the efforts of the federal government and others to furnish legal services to the poor, and notes that effective assistance to those efforts has been and is being given.

(3) Accepts the two conclusions on page 724 of the published 1964 report of the Committee to the extent that they state the holdings of the United States Supreme Court in **Brotherhood of Railroad Trainmen v. Commonwealth of Virginia, ex rel. Virginia State Bar,** 377 U. S. 1 and **N. A. A. C. P. v. Button,** 371 U. S. 415, but concludes that it is not in the public interest or in the interest of the administration of justice to apply the prin-

ciples of those decisions to plans for furnishing group legal services in derogation of certain of the Rules of Professional Conduct which were adopted as public safeguards, and which Rules will, except as they conflict with said Supreme Court decisions, continue to be enforced.

(4) Declines to take any action at this time to modify the Rules of Professional Conduct to permit the establishment of any method of furnishing legal services to any person or group of persons which is not now permissible under said Rules and said decisions for the reasons hereinabove mentioned and for the following additional reasons:

(a) The recent and continuing growth, development and expansion in California of legal aid and similar services, including those established under federal programs, in conformance with the Rules of Professional Conduct, lead to the conclusion that this type of institution is more suitable than would be various private groups in meeting the needs of the poor for legal services.

(b) The recent and continuing growth, development and expansion in California of lawyer reference services are providing increasingly the means by which persons in need of legal services competently provided by members of the State Bar may obtain the same in greater measure.

(c) It would be premature to take such action in view of:

i. The pendency before the United States Supreme Court of a case **(United Mine Workers No. 12 v. Illinois State Bar Association)** involving issues relating to the furnishing by an organization to its members the services of a lawyer. It

is believed that the opinion of said Court therein when rendered may qualify or clarify certain of the principles announced by it in the **Brotherhood** and **Button** cases, supra.

ii. The reconsideration of the Canons of Professional Ethics of The American Bar Association by a committee of that Association and the study being conducted by that Association's Committee on the Availability of Legal Services. From these studies will come, it is believed, additional information pertinent to the matter of furnishing legal services.

iii. The pending studies by State Bar committees concerned with (a) legal aid and lawyer reference services and (b) a system for the development of specialization in the bar and the public recognition of specialists generally and in lawyer reference services; and it is

Further Resolved that the members of the Committee on Group Legal Services, past and present, hereby are commended for their outstanding effort and thought in their sincere consideration of the significant matters they undertook to study and for the thoroughness and depth of their reports which have contributed in a noteworthy manner to the significant literature dealing therewith; and it is

Further Resolved that in view of the conclusions and decisions of the Board hereinabove set forth, said Committee on Group Legal Services hereby is discontinued with thanks and appreciation for the excellence of its service to and its efforts on behalf of The State Bar of California, its members and the public.

APPENDIX B.

Proposed Rule 20.

A member of the State Bar shall not permit his professional services to be controlled or exploited by any lay agency or other intermediary, personal or corporate, which intervenes between himself and any client. A member of the State Bar shall avoid all relationships by which the performance of his duties may be directed by or in the interest of such intermediary. A legal aid association or society approved by the State Bar, rendering charitable legal assistance, shall not be deemed to be such lay agency or other intermediary within the meaning of this rule. A member's responsibilities and qualifications shall be and are individual. A member's relation to his client shall be personal and his responsibility shall be direct to his client. A member of the State Bar shall not accept professional employment by any association or other organization to render legal services to the members of such association or organization in respect to their individual affairs, nor shall he enter into with any such association or organization, any arrangement having for its purpose or one of its purposes the rendition of such legal services. This rule shall not prohibit acceptance by a member of the State Bar of employment from any such association or organization to render legal services in any matter in which the association or organization, as an entity, is interested when the subject matter will affect the association or organization as an entity.

APPENDIX C.

[redacted] OFFICERS 1966

President ..... [redacted]

Vice President ..... [redacted]
Department of Labor Relations

Vice President ..... [redacted]
Department of Association Affairs

Vice President ..... [redacted]
Department of Chapters and Councils

Vice President ..... [redacted]
Department of Governmental Affairs

Vice President ..... [redacted]
Department of Information, Education and Research

President, [redacted] Chapter ..... [redacted]

STAFF

Executive Vice President .....
Director — Chapters and Councils .....
Director — Information, Education and Research .....
Director — Labor Relations .....
Director — [redacted] Group Insurance .....

[redacted]

Executive Director, [redacted] Chapter ..... [redacted]

ADVISORY STAFF

Insurance ..... [redacted]

Legal ..... [redacted]

Economic ..... [redacted]

Public ..... [redacted]

Magazine ..... [redacted]

For Further Membership Information
Call [redacted]
at [redacted]

JOIN

THE [redacted] CHAPTER

[redacted]

When legal problems arise, are you prepared to meet them?

Having a law firm on retainer is a definite asset in today's business world. However, it is costly and probably beyond the reach of the average [redacted] members are fortunate in this regard in view of the services rendered by the law firm retained by the Association.

The firm consists of five men whose function it is to assist members with their legal problems. The firm of [redacted] is primarily involved in matters pertaining to [redacted] and [redacted] law. Two of the men are licensed [redacted], one a [redacted] and one the Author of the book [redacted]."

A most valuable service rendered by the firm is the convenient and prompt handling of legal questions on the telephone. In many cases the attorneys will check into involved matters and call members back with the answers. The great advantage in this service is the knowledge that all matters are handled by experts in the field, who are constantly in touch with [redacted] and [redacted] law. The bulk of the questions involve the interpretation and performance of contracts. Frequently legal advice is needed where a [redacted] makes a mistake [redacted] or he may want information on how the penalty clause works in a contract. In other cases [redacted] seek advice as to their rights when an [redacted] refuses payment or orders [redacted] for which there is no provision in the contract. These are typical questions answered daily by the [redacted] legal advisors, and for which there is no charge.

Another very important service involves the contract forms printed by [redacted] and distributed to members. These forms are prepared by the attorneys and from time to time are revised and reviewed to determine their fairness. [redacted] have avoided many costly pitfalls through their use.

When [redacted] disputes reach a stalemate, [redacted] attorneys can be of real service to [redacted]. The [redacted] form calls for arbitration in settling disputes and valuable arbitration services are rendered by [redacted] attorneys. The arbitrator is appointed by the [redacted] and his awards are reviewed by [redacted] attorneys to determine their legality and enforceability. Arbitration has proven its worth over time consuming court actions in resolving contract disputes.

The firm of [redacted] also has an educational function. Lectures and programs are presented concerning construction and real estate laws and interspersed are questions and discussions from the floor.

In reference to State Legislation involving the [redacted] industry the [redacted] is represented in [redacted] by the law firm to help protect the interest of [redacted]. The attorneys concern themselves with laws pertaining to [redacted] and [redacted] proposed by the State.

And to keep members abreast of the times an article is written monthly by the law firm for the [redacted]. The article usually clarifies and interprets new laws and new cases of interest to [redacted]

[redacted]

OF [redacted]

LEGAL ADVISORS

TO THE [redacted]

In short, the [redacted] legal services have in effect helped keep job costs down by:

- resolving legal questions promptly on the telephone for members.
- providing professional and workable contract forms for members.
- having available that all important arbitration service when disagreements arise.
- informing members on their legal rights through courses and programs.
- affording members a voice in [redacted] in the consideration of laws affecting their business.
- keeping members aware of the latest in construction law to help them avoid costly mistakes.

These services are proving their worth constantly in keeping job costs down. As a member of [redacted] they are yours as a matter of course.

"It's Great to Know You Belong."